

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)

MELVIN NEWSOME, et al.

Plaintiffs,

v.

UP-TO-DATE LAUNDRY, INC., et al.

Defendants.

Civil Action No. S01-2257 (WDQ)

NOTICE OF NEW AUTHORITY

On July 21, 2003, this Court issued a decision in Buchanan, et al. v. Consolidated Stores Corp., et al., 217 F.R.D. 178 (D.Md. 2003). Following a lengthy discussion, the Court in Buchanan certified a Rule 23(b)(2) class in a 42 U.S.C. § 1981 race discrimination case. As plaintiffs have proposed here, the Court bifurcated the case, holding that the first stage should focus on class-wide liability, injunctive and declaratory relief, and punitive damages.

In reaching that decision, Buchanan rejected defendants' claim, which has also been raised by the defendants in this case, that the class claims should be stricken because plaintiffs did not file a motion for class certification until nearly three years after the suit had been filed and after discovery had largely been completed. The decision in Buchanan further rejected defendants' argument, once again similarly raised in this case, that the plaintiffs' claims for class relief should be mooted by the defendant's conduct in abolishing the check cashing procedure in dispute. In sum, the decision fully supports plaintiffs' argument that 23(b)(2) class certification is warranted here.

Also, the Supreme Court recently denied certiorari in a case cited by plaintiffs' in their pleadings, McReynolds v. Sodexho Marriott Services, Inc., 208 F.R.D. 428, 449 (D.D.C. 2002), *leave to appeal denied* (Feb. 25, 2003), *cert. denied*, No. 02-1731 (U.S. Oct. 6, 2003).

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